

ENROLLED ORDINANCE 161-2

AMEND THE TEXT OF THE TOWN OF MERTON ZONING CODE TO REPEAL AND RECREATE SECTION 17.60 AND TO AMEND SECTION 17.64 TO REVISE THE PROVISIONS OF THE BOARD OF ADJUSTMENT TO CONSIST OF FIVE MEMBERS AND TWO ALTERNATES AND TO PROVIDE FOR CHANGES IN VOTING TO RULE ON ISSUES OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF MERTON THAT RELATE TO ZONING (ZT-1609)

WHEREAS the subject matter of this Ordinance having been approved by the Merton Town Board on February 14, 2006, after Public Hearing and the giving of requisite notice of said hearing, and duly referred and considered by the Waukesha County Park and Planning Commission and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the text of the Town of Merton Zoning Ordinance, approved by the Merton Town Board on April 9, 1974, to repeal and recreate Section 17.60 and to amend Section 17.64 to revise the provisions of the Board of Adjustment to consist of five members and two alternates and to provide for changes in voting to rule on issues of the General Code of Ordinances of the Town of Merton which relate to zoning and more specifically, described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (ZT-1609), is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Merton.

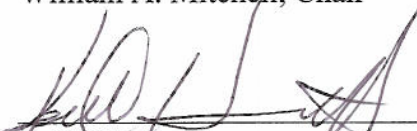
BE IT FURTHER ORDAINED that the Ordinance shall be in full force and effect upon passage, approval and publication.

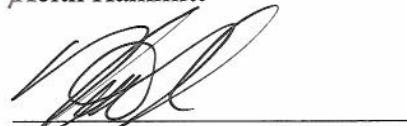
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF MERTON ZONING CODE TO REPEAL AND  
RECREATE SECTION 17.60 AND TO AMEND SECTION 17.64 TO REVISE THE  
PROVISIONS OF THE BOARD OF ADJUSTMENT TO CONSIST OF FIVE MEMBERS  
AND TWO ALTERNATES AND TO PROVIDE FOR CHANGES IN VOTING TO  
RULE ON ISSUES OF THE GENERAL CODE OF ORDINANCES OF THE  
TOWN OF MERTON THAT RELATE TO ZONING (ZT-1609)


Presented by:  
Land Use, Parks, and Environment Committee

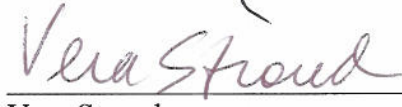
  
William A. Mitchell, Chair

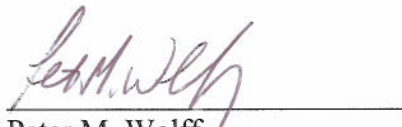
  
Keith Hammitt

  
Keith Harenda

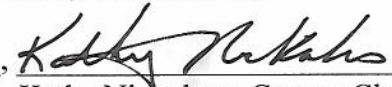
Absent  
Pauline T. Jaske

  
Walter L. Kolb

  
Vera Stroud

  
Peter M. Wolff

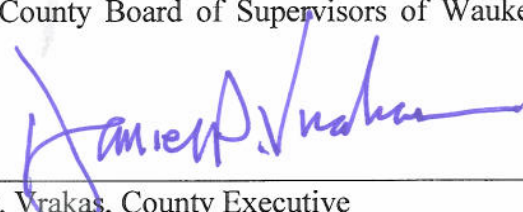
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 5/26/06,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: \_\_\_\_\_

Date: 5-26-06,   
Daniel P. Vrakas, County Executive



ORDINANCE NO. 02.14.06

AN ORDINANCE TO REPEAL AND RE-CREATE §17.60 AND  
AMEND §17.64 OF THE ZONING CODE (CHAPTER 17) OF  
THE GENERAL CODE OF ORDINANCES OF THE TOWN OF  
MERTON RELATING TO MEMBERSHIP AND VOTING  
AUTHORITY OF THE BOARD OF ADJUSTMENT

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The Town Board of Supervisors of the Town of Merton, Waukesha County,  
Wisconsin, do ordain as follows:

SECTION 1. Sec. 17.60 of the zoning code is repealed and re-created to read:

17.60 CREATION.

(1) AUTHORITY.

(a) There is hereby created a Board of Adjustment pursuant to §62.23(7)(e),  
Wis. Stats.

(b) The Board of Adjustment shall consist of five members appointed by the Town Chairman, subject to confirmation of the Town Board, for terms of three years, except that of those first appointed, one shall serve for one year, two for two years, and two for three years, and shall be removable by the Town Chairman for cause upon written charges and after public hearing. The Town Chairman shall designate one of the members as chairperson. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Each member shall serve until his/her successor is appointed and qualified. The Town Chairman shall appoint, for staggered terms of three years, two alternate members of such Board, in addition to the five members above provided for. Annually, the Town chairman shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

(c) All members of the board shall reside within the Town of Merton.

161-0-002

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(d) The members of the board shall serve at such compensation to be fixed by ordinance, in addition to the actual and necessary expenses incurred by the board, in the performance of its duties.

SECTION 2. Sec. 17.64 of the zoning code is amended to read:

17.64 DECISION. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken, and may issue or direct the issuance of a permit, provided that no such action shall have the effect of permitting in any district a use prohibited in that district; of rezoning; or of granting exception to any health or sanitary codes in effect at the time. If a quorum is present, the Board of Adjustment may take action under this subsection by a majority vote of the members present to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of this code. The grounds of every such determination shall be stated.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon approval by the Waukesha County Board of Supervisors and upon passage, posting and publication as required by law.

DATED: February 14, 2006

TOWN OF MERTON

BY: Richard Morris  
Richard Morris, Town Chairman

ATTEST:

Susan J. Oman  
Susan J. Oman, Clerk

Date Adopted: 2-14-06  
Date Published: 2-15-06  
Effective Date: 3-1-06



161-0-002

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/23/06

(ORD) NUMBER-1610002

1 K. HERRO.....AYE  
3 T. ROLFS.....AYE  
5 J. MARCHESE.....AYE  
7 J. JESKEWITZ.....AYE  
9 P. HAUKOHL.....AYE  
11 K. HARENDA.....AYE  
13 J. MORRIS.....AYE  
15 D. SWAN.....AYE  
17 J. BEHREND.....AYE  
19 W. MITCHELL.....AYE  
21 W. KOLB.....AYE  
23 J. TORTOMASI.....AYE  
25 K. CUMMINGS.....AYE  
27 D. PAULSON.....AYE  
29 T. BULLERMANN.....AYE  
31 V. STROUD.....AYE  
33 K. HAMMIT.....AYE  
35 P. MEYER.....AYE

2 R. THELEN.....AYE  
4 R. HUTTON.....AYE  
6 D. BROESCH.....AYE  
8 J. DWYER.....AYE  
10 S. WOLFF.....AYE  
12 T. SCHELLINGER.....AYE  
14 A. KALLIN.....AYE  
16 R. STEVENS.....AYE  
18 B. MORRIS.....AYE  
20 P. WOLFF.....  
22 G. BRUCE.....AYE  
24 B. KRAMER.....AYE  
26 F. RUF.....AYE  
28 P. JASKE.....AYE  
30 K. NILSON.....AYE  
32 P. GUNDRUM.....AYE  
34 R. SINGERT.....AYE

TOTAL AYES-34

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-34